

Paper No. 586
Disposes of
Paper No. 529; and of
Papers Nos. 524, 525,
526, 527, and 528, in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al)	}	ORDER:
- vs -		THAT FACILITIES TO INTERVIEW
		CERTAIN WITNESSES REQUESTED
ARAKI, Sadao; et al		BY THE ACCUSED ITAGAKI BE PROVIDED; AND FOR THE PRO- DUCTION OF DOCUMENTS.

This matter coming on to be heard on this 13th day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the applications of ITAGAKI, Seishiro, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said ITAGAKI, Seishiro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said applications, which are Papers Nos. 524 to 529, both inclusive; and after hearing the statements and arguments of Counsel for the said ITAGAKI, Seishiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for

interrogation by Counsel for the accused ITAGAKI to determine if his presence will be required at a later date to testify on behalf of the said ITAGAKI: .

1. KAGISA, Sadaaki:

- (a) This witness' nationality is Japanese. His address is Daichi National Hospital Wakamatsu-Cho, Ushigome-Ku, Tokyo, Japan.
- (b) A Major General in the Japanese Army, he was the Chief Military advisor to the Nanking Government at the time ITAGAKI was Minister of War.

2. TADA, Shun:

- (a) This witness' nationality is Japanese. His address is No. 567, Kawana, Funakata Machi, Tateyama City, Chiba Prefecture, Japan.
- (b) The Commander of Tientsin Contingent Force; Vice Chief of General Staff in 1937; Commander of North China Expeditionary Force 1939-1946.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused ITAGAKI to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located or held:

1. HIRAI, Toyochi:

- (a) This witness' nationality is Japanese. He is said to be in the custody of the U.S.S.R. in Siberia.
- (b) He was formerly Intendance Colonel member of the Manchurian and Mongolian section of the Ministry of War of the Japanese Empire.

2. SHIMOMURA, Nobusada:

- (a) This witness' nationality is Japanese. He is said to be in the custody of the U.S.S.R. in Siberia.
- (b) He was formerly Liaison Officer of the Japanese Army stationed at Harbin in Manchukuo.

3. SUETAKA, Kamezo:

- (a) This witness' nationality is Japanese. He is said to be in the custody of the U.S.S.R. in Siberia.
- (b) He was commander of the 19th Division of the 12th Japanese Army, the commander of the 3rd Army, and Vice President of the new State University in Manchukuo.

4. Lt. General AYABE:

- (a) This witness' nationality is Japanese. He is at present in the custody of the British and said to be so held at Singapore, Malayan Peninsula.
- (b) This witness was a Lieutenant General and the Chief of Staff of the Japanese 7th Army serving on the Malayan Peninsula.

5. Major General SAITO, Masotoshi:

- (a) This witness' nationality is Japanese. He is at present in the custody of the British and said to be so held at Singapore, Malayan Peninsula.
- (b) This witness was a Major General in the Japanese Army serving with the Japanese

7th Army as the Custodian of the Prisoner of War, for a period of about ten months prior to the end of hostilities, on the Malayan Peninsula area.

6. NAKAJIMA, Tetsuzo:

- (a) This witness' nationality is Japanese. He is said to be in custody in Sumatra, Netherlands East Indies.
- (b) He was Vice Chief of the Japanese General Staff at the time ITAGAKI, Seishiro, was Minister of War.

7. General NISHIO, Toshizo:

- (a) This witness' nationality is Japanese. He is at present in custody at Sugamo Prison, Tokyo, Japan.
- (b) Was one time Chief of Staff of the Kwantung Army (at which time ITAGAKI was Assistant Chief of Staff), later Commander-in-Chief of the China Expeditionary Army (at which time ITAGAKI was Chief of General Staff of the same army).

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his requests for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original applications (Papers Nos. 524 to 529, both inclusive), as may be found necessary to his proper defense in this case, as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

	<u>DOCUMENT</u>	<u>LOCATION</u>
1.	Report on situation, and attached documents, prepared by Honjo, Shigeru, the Commander of the Kwantung Army in Manchuria on the 18th of October 1931.	The original, Headquarters of the Kwantung Army at Chang Chun (formerly Hsin King) Manchuria.
2.	Report on explosion of South Manchurian Railway prepared by Investigation Committee of Kwantung Army 23 September 1931.	Headquarters of the Kwantung Army at Chang Chun (formerly Hsin King) Manchuria.

Dated at Tokyo, Japan, this 29 day of November, 1946.

BY THE TRIBUNAL:

Signed

W.F. Webb

PRESIDENT OF THE TRIBUNAL